

STAFF REPORT

DATE: September 25, 2019

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T19SA00322

**C10-19-16 SENOR AND COHEN RESIDENCE SECOND DWELLING UNIT / ZB
PROPERTY LLC / 519 NORTH OLSEN AVENUE, R-2**

The applicant's property is an approximately 10,032 square foot lot zoned R-2, developed with a single story dwelling unit and detached garage. The applicant is proposing to build a second dwelling unit, at two-stories, with an attached garage. The applicant is requesting variances to allow construction of the second dwelling unit with reduced perimeter yard setbacks, to allow the alley, at a reduced width, as primary access, and to eliminate and modify commercial parking standards, all as shown on the submitted plans.

THE APPLICANTS' REQUEST TO THE BOARD

The applicants are requesting the following variances:

- 1) Allow reduced perimeter yard setbacks for the second unit, from 10.7' to 6', as measured from the west property line to the building wall;
- 2) Allowed reduced perimeter yard setbacks for the second unit, from 13' to 6', as measured from the north property line to the building wall;
- 3) Allow reduced perimeter yard setbacks for the second unit, from 13' to 9', as measured from the south property line to the building wall;
- 4) Allow an alley as the primary access to the lot and at a reduced width from 20 to 15 feet;
- 5) Allow required parking for the residences to be located in the garages in lieu of providing a commercial parking lot, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to,

Section 4.7.9 and Table 4.8-2 which provides the criteria for residential development in the R-2 zone; and

Sections 7.8 and 7.4.6.K, which provides the standards for alley access; and

Section 7.4 and 7.6 which provides standards for motor vehicle parking and landscaping and screening.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-2; (multi-family residential)

North: Zoned R-2; (multi-family residential)

South: Zoned R-2; (multi-family residential, across alley)

East: Zoned R-2; (multi-family residential, east side of Olsen Av)

West: Zoned R-2; (multi-family residential)

RELATED PLAN REVIEWS

Historic Preservation Officer

The Sam Hughes neighborhood is a National Register Historic District. The existing home is a contributing structure on the National Register of Historic Places. As such, the Historic Preservation Officer (HPO), provides a courtesy review on behalf of the State Historic Preservation Office (SHPO) to evaluate construction for compatibility with the National Historic District standards.

The City's Historic Preservation Officer noted while it is good the building is detached and in the rear yard, the bulk and scale of the proposed building does not fit in to the immediate vicinity. The surrounding homes are all one story. The overall foot print/height should be reduced. The 10' plate on the house adds to the overall height of the house. The plate height should be reduced. Windows on historic homes are generally taller than they are wider. The windows on new construction should have a similar orientation. Windows should be recessed in the wall plane and they should have an operation similar to what you would find on a historic home (casement, double hung, awning). The stucco on the new house should not match the historic house to provide distinction. As proposed I cannot deem this design consistent with the Secretary of the Interior's Standards. The proposal overall would likely allow the existing home to remain a contributing structure to the district.

Department of Transportation, Engineering Section

To obtain a permit from TDOT for a contractor to pave the alley with double-shot chip seal surfacing, as required, requires an engineered report to show drainage patterns will not change. Maintenance for the paving would be conducted by TDOT.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.

3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The applicant's property is an approximately 10,032 square foot lot zoned R-2, developed with a single story dwelling unit and detached garage. The existing home is oriented along Olsen Avenue, at the east side of the lot. The applicant is proposing to build a second dwelling unit, at two stories, with an attached garage at the west side of the lot. The applicant is requesting variances to allow construction of the second dwelling unit with reduced perimeter yard setbacks, to allow the alley at the south side of the property, at a reduced width, as primary access, and to eliminate and modify commercial parking standards, all as shown on the submitted plans. The plan review process triggers compliance with technical codes for new construction.

Setbacks

Section 4.7.9 and Table 4.8-2 of UDC provides the criteria for residential development in the R-2 zone. The minimum setback from interior property lines is the greater of 6 feet, or 2/3 the height of the building wall, as measured from building wall to property line. The applicant is proposing to construct a second dwelling unit, at two-stories, with reduced building setbacks from the west, north and south lot lines. The building wall height along the west elevation is 16', requiring a 10.7' setback; the proposed setback is 6 feet. The building wall height along the north and south elevations is 19.5', requiring a 13' setback from both the north and south lot lines. The proposed setback at the north lot line is 6 feet. The proposed setback to the south lot line is 9 feet. The applicant is requesting variances for reduced building setbacks along the west, north and south lot lines.

Access

Section 7.8 and 7.4.6.K provides standards for alley access. Acceptable types of property access include easements across private parcels and from public or private streets. To utilize an alley for access requires a minimum width of 20 feet,

and surfaced with a dust control acceptable to the TDOT City Engineer. The applicant is requesting variances to allow the alley along the south lot line to serve as primary access to the lot and at a reduced width of 15 feet.

Parking

Section 7.4 and 7.6 provide standards for motor vehicle parking and landscaping and screening. When a development requires five parking spaces, a commercial parking lot is required. The proposal shows two dwelling units with a total of six bedrooms altogether, requiring five parking spaces. The applicant is requesting a variance to allow required parking for the residences to be located in the garages in lieu of providing a commercial parking lot.

Discussion

The property is located in an established single-family residential neighborhood platted in 1923, known as Sam Hughes, a National Register Historic District. The neighborhood is zoned "R-1" and "R-2" residential. Lot sizes range from 6,750 square feet to approximately 10,000 square feet in area, and the neighborhood is primarily developed with single story residences. Homes with garages are typically accessed off alleyways, as the streets were primarily constructed without curb cuts.

The applicant's property is an approximately 10,032 square foot lot zoned R-2, developed with a single story dwelling unit and detached garage. The existing home is oriented along Olsen Avenue, toward the east side of the lot. The applicant is proposing to build a second dwelling unit, at two-stories, with an attached garage, at the west side of the lot.

The applicants are seeking the necessary zoning approval to allow construction of the second dwelling unit and attached garage at reduced building setbacks (as measured from building wall to property lines) of 6' from the west property line, 6' from the north property line, and 9' from the south lot line.

The applicants are seeking the necessary zoning approval to allow the lot to be accessed by the alley running along the south boundary. The alley is 15' wide, as platted. It should be noted the alley is used for access by trash removal vehicles and residents for back yard access, given photos and aerial views of the area.

The submitted site plan shows two garages, an existing two car garage and a new three car garage attached to the proposed second dwelling to provide all required parking. The applicants are requesting the necessary zoning approval to allow the five required parking spaces to be provided within the existing and proposed garages, in lieu of providing a commercial parking lot.

Conclusion

Staff can support variances 3, 4 and 5, for setback reduction to the south lot line, providing required parking in garages in lieu of a commercial parking, and alley access at a reduced width, given special circumstances exist such as the length and width of the lot, and lack of curb cut off Olsen that restricts the access point to the alley.

Staff cannot support variances 1 and 2, for requested setback reductions along the west and north lot lines, given the design proposed does not mitigate privacy to the adjacent properties to the north and northwest.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification by the applicant, dated July 31 2019 and the summary of the onsite meeting dated August 14, 2019. The meeting was held on the property on August 14, 2019; four people attended.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff can support the applicant's requested variances 3, 4 and 5. Staff cannot support variances 1 and 2.

Should the board move to approve this request, staff recommends the following conditions:

- A. Along entire southern boundary of this property, alley is to be paved in accordance with standards established by Tucson Department of Transportation (TDOT).
- B. Applicant to submit paving plan to TDOT Traffic Engineering staff for review and approval prior to obtaining permits. Site plan must note Conditions A & B.
- C. Provide clerestory windows facing north and west on the second floor in occupied areas.

It is the opinion of staff there are special circumstances applicable to the property; that granting of variances 3, 4 and 5 will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and that these specific variances requested are the minimum needed to afford relief and the least modification possible of those *UDC* provisions which are in question.

Heather Thrall, Lead Planner
for
Russlyn Wells, Acting Zoning Administrator

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